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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,913	02/06/2004	Ye Huang	1237a	8473
28004	7590	11/12/2008		
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER LAZARO, DAVID R	
			ART UNIT 2455	PAPER NUMBER
			MAIL DATE 11/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/773,913	Applicant(s) HUANG ET AL.	
	Examiner DAVID LAZARO	Art Unit 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :05/22/06, 11/03/06, 05/21/07, 06/07/07, 08/10/07, 08/28/07, 10/10/07, 12/12/07, 02/14/08, 04/17/08 and 08/27/08.

DETAILED ACTION

Priority

1. This application is a continuation of 09/216354 filed 12/18/1998.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on, 05/22/06, 11/03/06, 05/21/07, 06/07/07, 08/10/07, 08/28/07, 10/10/07, 12/12/07, 02/14/08, 04/17/08 and 08/27/08 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings filed 02/06/04 are accepted by the examiner.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. Claim 17 is directed to a software product for a network management system. MPEP 2106.01 states, "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function

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of the descriptive material to be realized.” While claim 17 includes the limitation “a storage system to store the software”, it is not explicitly recited that the storage system is only related to computer-readable media. As such, the scope can be interpreted as including subject matter lacking the structural and functional interrelationship required to be statutory.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,160,871 by DuRee et al. (DuRee) in view of U.S. Patent 6,133,919 by Bormann et al. (Bormann).

9. With respect to claim 1, a network management system comprising:
a graphical user interface (Col. 2 lines 47-61);
a computer system coupled to the graphical user interface and configured to receive a message from the graphical user interface, process the message to generate call signaling for a call, transfer the call signaling to a live media gateway controller and is coupled to a live media gateway (Col. 2 lines 47-67 and Col. 4 lines 2-16), receive a control message indicating an identifier for the call from the live media gateway

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controller, process the control message to generate a response, and transfer the response to the graphical user interface wherein the response indicates one of the operations of the network (Col. 2 lines 47-67 and Col. 4 line 54 - Col. 5 line 21).

DuRee does not explicitly disclose the graphical user interface (GUI) is configured to display a graphical representation of a model network and a graphical representation of operations of the model network wherein the network model comprises a plurality of model elements including a model media gateway controller which corresponds to the live media gateway controller and is coupled to a model media gateway that corresponds to a live media gateway. Bormann teaches a GUI that is configured to display a graphical representation of a model network and a graphical representation of operations of the model network (Col. 5 line 5 - Col. 6 line 15 and Fig. 2). The model network includes model elements corresponding to live network elements (Col. 5 lines 20-34). The elements can include devices such as gateways and gateway controllers (Col. 3 lines 50-65 and col. 4 lines 26-41). The GUI allows a user to control the live network elements through model network elements (Col. 6 lines 33-35).

It would have been obvious to one of ordinary skill in the art to use the GUI of Bormann as the GUI for interacting with the network in DuRee. Using the known technique of a GUI displaying a graphical representation of a model network including operations of the network and elements of the network to provide a GUI for interacting with a network as desired by DuRee would have been obvious to one of ordinary skill in the art.

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10. With respect to claim 2, DuRee as modified teaches the network management system of claim 1 wherein the graphical user interface is configured to receive the response and display the one operation of the model network (In DuRee Col. 5 line 5 - Col. 6 line 15).

11. With respect to claim 3, DuRee as modified teaches the network management system of claim 2 wherein the one operation comprises the model media gateway controller transferring a graphical representation of the control message to the model media gateway (In Bormann: Col. 5 lines 5-46).

12. With respect to claim 4, DuRee as modified teaches the network management system of claim 1 wherein the live media gateway interworks call traffic from a non-packet based network to a packet based network (In DuRee: Col. 3 lines 8-34).

13. With respect to claim 5, DuRee as modified teaches the network management system of claim 4 wherein the identifier for the call comprises an address in the packet based network (In DuRee: Col. 4 lines 54-67).

14. With respect to claim 6, DuRee as modified teaches the network management system of claim 1 wherein the model media gateway is coupled to a model non-packet based network and a model packet based network (In DuRee: Col. 3 lines 8-34)(In Bormann Col. 5 line 5 - Col. 6 line 15 and Fig. 2).

15. With respect to claim 7, DuRee as modified teaches the network management system of claim 1 wherein the call signaling comprises signaling system 7 (SS7) signaling (In DuRee: Col. 2 lines 57-67).

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16. With respect to claim 8, DuRee as modified teaches the network management system of claim 1 wherein the call in the model network comprises a test call (In DuRee Col. 2 lines 47-67).

17. Claims 9-16 present a method embodiment corresponding to the system embodiment of claims 1-8. As the subject matter is essentially the same in scope, claims 9-16 are rejected based on same logic the rejection of claims 1-8 above.

18. Claim 17 presents a software product embodiment corresponding to system embodiment of claim 1. As the subject matter is essentially the same in scope, claim 17 is rejected based on the same logic of the rejection of claim 1 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID LAZARO whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/
Examiner, Art Unit 2455
11/06/08